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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,402	11/28/2001	Samir Narendra Mehta	320037.402	2381

20280 7590 01/31/2006

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EXAMINER

DOAN, DUYEN MY

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/997,402	MEHTA ET AL.	
	Examiner	Art Unit	
	Duyen M. Doan	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33, 35, 36, 39-51, 55, 56, 58 and 60-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33, 35, 36, 39-51, 55, 56, 58 and 60-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-33,35-36,39-51,55-56,58,60-73 are amended.

Claims 34,37-38,52-54,57,59 are cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20,22-33,35-36,39-41,43-51,55-56,60-71,73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al (Us pat 6,741,853) (hereinafter Jiang) in view of Tso et al (Us pat 6,088,803).

As regarding claim 1, Jiang discloses selecting the content from the group consisting of locally stored applications, remotely stored, trusted applications and remotely stored, untrusted applications and determining (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58, pluralities of internet content providers); whether the content contains designated API (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col..18, lines 1-50; col.20, lines 54-58); verifying that the device supports execution of

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the content by comparing the device capabilities to the content requirements; and providing the verified and provisioned content to the target device (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col..18, lines 1-50; col.20, lines 54-58, compare the content from the remote internet content provider to the user capabilities, and format the content according to the user's device capabilities).

Jiang does not expressly disclose provisioning the content for the target device; wherein when the content is selected from the remotely stored, entrusted applications, the Provisioning comprises intercepting the content and inspecting the content, wherein the inspecting comprises at least one of examining the content to detect malicious code, determining whether the content contains banned code.

Tso teaches provisioning the content for the target device; wherein when the content is selected from the remotely stored, entrusted applications, the Provisioning comprises intercepting the content and inspecting the content, wherein the inspecting comprises at least one of examining the content to detect malicious code, determining whether the content contains banned code (see Tso col.2, lines 16-67; col.3, lines 1-10, lines 30-38; lines 46-54, lines 62-67; col.5, lines 44-67; col.6, lines 1-24, lines 38-60, check the content from the remote content providers to determine if there are viruses before give it to client).

It would have been obvious to one with ordinary skill in the art at the time the invention was made combine the teaching of Tso to the method of Jiang to inspect the content for malicious code before give it to the client, because by checking the content

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for malicious code would prevent the infected content reach to client's system (see Tso col.1, lines 19-55).

As regarding claim 2, Jiang-Tso discloses causing the prepared content to downloaded to the target device over a wireless transmission medium (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 3, Jiang-Tso discloses the content is requested by a subscriber of a carrier to the computer-based environment over a wireless transmission medium (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 4, Jiang-Tso discloses the provisioning comprises at least one of: inspecting the content optimizing the content; and instrumenting the content (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 5, Jiang-Tso discloses wherein the provisioning comprises inspecting the content, wherein inspecting the content comprises an operation selected from the group consisting of deconstructing a structure of the content, checking for malicious code, checking for banned code (see Tso col.2, lines 16-67; col.3, lines 1-10, lines 30-38; lines 46-54, lines 62-67; col.5, lines 44-67; col.6, lines 1-24, lines 38-60, check the content from the remote content providers to determine if there are viruses before give it to client), determining the applicable application of filters, and checking a

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number of activated threads (see Tso col.2, lines 16-67; col.3, lines 1-10, lines 30-38; lines 46-54, lines 62-67; col.5, lines 44-67; col.6, lines 1-24, lines 38-60). The same motivation was utilized in claim 1 applied equally well to claim 5.

As regarding claim 6, Jiang-Tso discloses wherein the inspecting further comprises determining whether the application contains designated API wherein the API is at least one of packages, classes, methods, and fields (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 7, Jiang-Tso discloses wherein the determining the applicable application of filters comprises retrieving an application filter relevant for potential target under examination, wherein the application filter detects one of package and method names, package and method classes, package and method fields (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58), API suspected to have intrusive behavior, API suspected to have malicious behavior and API that are unauthorized for use (see Tso col.2, lines 16-67; col.3, lines 1-10, lines 30-38; lines 46-54, lines 62-67; col.5, lines 44-67; col.6, lines 1-24, lines 38-60). The same motivation was utilized in claim 1 applied equally well to claim 7.

As regarding claim 8, Jiang-Tso discloses wherein the provisioning comprises inspecting the content, wherein the inspecting is performed using an application filter, wherein the application filter specifies a list of criteria to be filtered and a target (see

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Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 9, Jiang-Tso discloses wherein the criteria is an API (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 10, Jiang-Tso discloses wherein that target is at least one of a specified client, device type, content identifier, and global definition (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 11, Jiang-Tso discloses wherein the provisioning comprises optimizing the content, wherein the optimizing comprises at least one of (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58): reducing the size of variable names; modifying instructions to more efficient instructions; mapping executable paths in code, and removing unused code (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 12, Jiang-Tso discloses wherein the provisioning comprises instrumenting the content, wherein the instrumenting comprises inserting code that implement at least one of a billing policy, a usage policy, a notification, and an automatic content update mechanism (see Jiang col.2, lines 41-47; col.4, lines 59-67;

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col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 13, Jiang-Tso discloses wherein the verifying that the device supports execution of the content further comprises identifying a device, accessing capabilities of the device form a device profile, accessing device requirement of the content, and determining whether resources required by the content are available according to the device profile (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58, device profile include the capabilities of device, storage requirement, display capabilities).

As regarding claim 14, Jiang-Tso discloses wherein the device profile contains information relevant to the capabilities of the device, wherein the information relevant to the capabilities of the device are selected from the group consisting of memory capacity, processor type, processing speed, and maximum size of a downloadable application (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58, device profile include the capabilities of device, storage requirement, display capabilities...).

As regarding claim 15, Jiang-Tso discloses wherein the billing policy comprises at least one of subscription based billing; trial use, download based billing, transmission based billing, and prepaid billing (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5,

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lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 16, Jiang-Tso discloses wherein the billing policy is provided by a wireless carrier infrastructure (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 17, Jiang-Tso discloses wherein the content is provisioned for a requester, and the verifying further comprising at least one of: comparing the API used by the content to the API supported by the target device and determining whether the requestor is authorized to use the content (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 18, Jiang-Tso discloses wherein determining whether the requestor is authorized determines whether the requester has sufficient funds in a prepaid billing account to use the content (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 19, Jiang-Tso discloses wherein the verification is accomplished using profile management (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 20, Jiang-Tso discloses wherein the profile management defines profiles for at least one of a subscriber, device type, and content (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 22, Jiang-Tso discloses wherein the environment is integrated with a wireless carrier infrastructure (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 23, Jiang-Tso discloses wherein the content preparation provides walled-garden provisioning (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 24, Jiang-Tso discloses the computer-based environment including a network, wherein the provisioning supports the designation of the content to be prepared through browsing to a location on the network (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 25, Jiang-Tso discloses wherein the network is the Internet (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 26, Jiang-Tso discloses wherein the preparation process takes into account preferences of a requestor of the content (see Jiang col.2, lines 41-

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47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 27, Jiang-Tso discloses wherein attributes that control the provisioning are specified through website administration (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 28, Jiang-Tso discloses wherein the provisioning comprises preparing an initial list of available applications (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claim 29, Jiang-Tso discloses wherein the content contains at least one of text, graphics, audio, and video (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58).

As regarding claims 30-33,35-36,39-41,43-44 the limitations are similar to claims 1-20, 22-29, therefore rejected for the same rationales as claims 1-20, 22-29.

As regarding claims 45-51,55-56,60 the limitations are similar to claims 1-20, 22-29, therefore rejected for the same rationales as claims 1-20, 22-29.

As regarding claims 61-71,73 the limitations are similar to claims 1-20, 22-29, therefore rejected for the same rationales as claims 1-20, 22-29.

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Regarding claims 21,42,58,72, Jiang and Tso disclosed a method of inspecting the internet content prior to giving it to the end user, format the content based on the client's device capabilities (see Jiang col.2, lines 41-47; col.4, lines 59-67; col.5, lines 1-41; col.8, lines 28-67; col.9, lines 1-9, lines 56-64; col.11, lines 43-67; col.18, lines 1-50; col.20, lines 54-58), and (see Tso col.2, lines 16-67; col.3, lines 1-10, lines 30-38; lines 46-54, lines 62-67; col.5, lines 44-67; col.6, lines 1-24, lines 38-60). Examiner takes Official Notice (see MPEP § 2144.03) that "Java based" in a computer networking environment was well known in the art at the time the invention was made (refer to the prior art listing in the conclusion section and PTO-892 specifically reference Pancha et al. (U.S. pat 6,823,373) titled "system and method for coupling remote data stores and mobile devices via an internet base server"). The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the

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Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

Response to Arguments

Applicant's arguments with respect to claims 1-33,35-36,39-51,55-56,58,60-73 have been considered but are moot in view of the new ground(s) of rejection.

See the above rejection for detail.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed; and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Duyen Doan
Art unit 2143



JEFFREY PWU
PRIMARY EXAMINER